

California Regional Water Quality Control Board

San Francisco Bay Region



Terry Tamminen

Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
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<http://www.swrcb.ca.gov/rwqcb2>

Arnold Schwarzenegger
Governor

Certified Mail No. 70993220000146709160
Return Receipt Requested

Date: JUN 23 2004
File No. 2179-7186 (CREF)

Mr. Bijan Sartipi

District 4

California Department of Transportation

111 Grand Avenue

Oakland, CA 94612-3006

FILE COPY

Subject: WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION
FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION, DEVIL'S SLIDE
TUNNEL PROJECT, COUNTY OF SAN MATEO

Dear Mr. Sartipi:

Enclosed please find a copy of Order No. R2-2004-0044, which was adopted by the Regional Board on June 16, 2004.

Please note the various required submittals and due dates for reports and plans that are a part of the Order.

Please contact Carmen Fewless of my staff at 510-622-2316 or via email crf@rb2.swrcb.ca.gov if you have any questions on this matter. We look forward to working with you.

Sincerely,

Bruce H. Wolfe
Executive Officer

Enclosure: Order No. R2-2004-0044
CC (with enclosure):

David Yam, CalTrans District 4

John Yeakey, USAOE

Mike Schaller, San Mateo County Planning Division

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2004-0044

WATER QUALITY CERTIFICATION NO. 02-41-C0419

WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DEVIL'S SLIDE TUNNEL PROJECT, COUNTY OF SAN MATEO

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

1. The California Department of Transportation (hereinafter Caltrans), submitted a Report of Waste Discharge (ROWD) to the Board for the Devil's Slide Tunnel Project (hereinafter, the Project). Caltrans proposes to bypass the geologically unstable area of Route 1 at Devil's Slide in San Mateo County with twin bridges and a 4,000 foot long double bore tunnel through San Pedro Mountain with connections to the existing Route 1 at each end. The Project will be located on the San Mateo County coast between the Town of Montara and Rockaway Beach in the City of Pacifica.
2. Since the construction of the existing Devil's Slide portion of Route 1 in 1937, this section of the roadway has been subject to road closures from landslides, rock falls and subsiding grade, which results in diminished roadway width. Despite drainage improvements, pavement reinforcements and rock anchors, this segment of the roadway continues to experience problems and closures which create an inconvenience to coastal residents and economic impacts to coastal families and businesses.
3. Because the cost of maintaining the unstable roadway in the future will continue to escalate with subsequent slide activities, and coupled with the continuous closures at Devil's Slide, Caltrans and the Federal Highway Administration have sought a permanent solution that provides a stable and safe roadway for this portion of Route 1. The tunnel alternative is consistent with restricting Route 1 to a two-lane facility and provides for separate bicycle/pedestrian movements outside the tunnel facility.

ORDER No. R2-2004-0044
California State Department of Transportation
Devil's Slide Tunnel Project

Leaving Pacifica, the existing road rises through a eucalyptus grove for about one mile and emerges from the grove, on a right turn, to a view of the Shamrock Valley below, and San Pedro Mountain ahead. The road continues westerly for about 2,700 feet through a cut in the coastal bluff; a sharp turn to the south provides a sudden view of the Devil's Slide Cliffs 330 feet below the road and the San Pedro Mountain Cliffs 650 feet above the road. Continuing south, one encounters numerous slide areas along the 3,280 feet section of twisting road and finally Devil's Slide itself where, over time, the road has dropped over 64 feet. This slide-prone section has a chain link fence on the slopes for rock fall protection, and concrete barriers on both sides, to provide additional rock fall protection on the uphill side and a barrier to inhibit motorists from driving off the cliff on the downhill side. Leaving the Devil's Slide area the road continues south in a curvilinear alignment along the coast for about four miles to the Town of Montara.

5. To ensure public safety, Caltrans will bypass this geologically unstable region with twin bridges and a 4,000-foot long double bore tunnel through San Pedro Mountain. The North approach road will be approximately 1,500 feet long including two 1,050-foot long parallel bridges. The South approach road will be 1,000 feet long. Proceeding south from Pacifica, the alignment will depart from the existing Route 1 along two bridge structures up a 7% uphill grade crossing the valley at Shamrock Ranch. The alignment will then pass through a small ravine entering the tunnel through San Pedro Mountain sloping to the south at 2% grade and exiting just south of Devil's Slide area where it will rejoin the existing Route 1. At Shamrock Ranch, Each tunnel will be approximately 125 feet above the valley floor of their highest point, the bridges will be approximately 30 feet wide including 4-foot wide interior walkways on both tunnels, a 12-foot wide travel lane, and, 8-foot wide and 2-foot wide shoulders. The tunnel excavation will generate approximately 550,000 cubic yards of material, which will be placed at a South disposal site near the South approach. The Project also includes tunnel infrastructure systems needed for safety and operations such as tunnel control, tunnel surveillance, traffic control, communications, emergency evacuation, environmental monitoring, and tunnel maintenance. A tunnel operations and maintenance center (OMC) will be located approximately 1,800 feet south of the tunnel at the South disposal area.
6. The Project also includes the South Rock Cut that consists of excavating the existing west slope area located just south of the South Portal area, along the east side of Route 1. The cut is required for safe sight distance along the new road alignment where the new road leaves Route 1 and connects to the South Portals. The cut will also provide a construction access road adjacent to Route 1. This road will be used to haul excavated material from the tunnel to the Fill Disposal area without disrupting existing traffic on Route 1 during Project construction.

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years.

Fred Botti, California Department of Fish and Game
 Mike Schallier, San Mateo County Planning Division
 John Yeakel, USACOE
 David Yam, Caltrans District 4
 CC (with enclosure):
 Enclosure: Order No. R2-2004-0044

[Handwritten signature]
 Executive Officer
 Bruce H. Molle
 Sincerely,

Look forward to working with you.
 Please contact Carmen Fewless of my staff at 510-622-2316 or via email
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Please note the various required submissions and due dates for reports
 and plans that are a part of the Order.

Enclosed please find a copy of Order No. R2-2004-0044, which was
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Subject: WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION
 FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION, DEVIL'S SLIDE
 TUNNEL PROJECT, COUNTY OF SAN MATEO
 Enclosed please find a copy of Order No. 2179.7186 (crf)

FILE COPY

Date: JUN 23 2004

Mr. Bijan Sartipi
 District 4
 California Department of Transportation
 121 Grand Avenue
 Oakland, CA 94612-3006

Certified Mail No. 70993220000146709160
 Return Receipt Requested



The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

DEVL'S SLIDE TUNNEL PROJECT, COUNTY OF SAN MATEO

CALIFORNIA DEPARTMENT OF TRANSPORTATION

WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION FOR:

WATER QUALITY CERTIFICATION NO. 02-41-C0419

ORDER NO. R2-2004-0044

SAN FRANCISCO BAY REGION

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

4. The segment of Route 1 included in the Devil's Slide Tunnel Project is located between Rockaway Beach in the City of Pacifica, and the Town of Montara in San Mateo County.

Project Description and Impacts

3. Because the cost of maintaining the unstable roadway in the future will continue to escalate with subsequent slide activities, and coupled with the continuous closures at Devil's Slide, Caltrans and the Federal Highway Administration have sought a permanent solution that provides a stable and safe roadway for this portion of Route 1. The tunnel alternative is consistent with restricting Route 1 to a two-lane facility and provides for separate bicycle/pedestrian movements outside the tunnel facility.
2. Since the construction of the existing Devil's Slide portion of Route 1 in 1937, this section of the roadway has been subject to road closures from landslides, rock falls and subsiding grade, which results in diminished roadway width. Despite dramatic improvements, pavement reinforcement and rock anchors, this segment of the roadway continues to experience problems and closures which create an inconvenience to coastal residents and economic impacts to coastal families and businesses.
1. The California Department of Transportation (hereinafter Caltrans), submitted a Report of Waste Discharge (ROWD) to the Board for the Devil's Slide Tunnel Project (hereinafter, the Project). Caltrans proposes to bypass the geologically unstable area of Route 1 at Devil's Slide in San Mateo County with twin bridges and a 4,000 foot long double bore tunnel through San Pedro Mountain with connections to the existing Route 1 at each end. The Project will be located on the San Mateo County coast between the Town of Montara and Rockaway Beach in the City of Pacifica.

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4. The segment of Route 1 included in the Devil's Slide Tunnel Project is located between Rockaway Beach in the City of Pacifica, and the Town of Montara in San Mateo County.

Leaving Pacifica, the existing road through a eucalyptus grove for about one mile and merges from the grove, on a right turn, to a view of the Shamrock Valley below, and San Pedro Mountain ahead. The road continues westward for about 2,700 feet through a cut in the coastal bluff, a sharp turn to the south provides a sudden view of the Devil's Slide Cliffs 330 feet below, one encounters numerous slide areas along the 3,280 feet section of twisting road south, one inhibits motorists from driving off the cliff on the down hill side. Leaving the prone section has a chain link fence on the slopes for rock fall protection, and concrete barriers on both sides, to provide additional rock fall protection on the up hill side.

Devil's Slide itself where, over time, the road has dropped over 64 feet. This slide about four miles to the Town of Montara.

To ensure public safety, Caltrans will bypass this geologically unstable region with twin bridges and a 4,000-foot long double bore tunnel through San Pedro Mountain. The North grade and exiting just south of Devil's Slide area where it will rejoin the existing Route 1. At their highest point, the bridges will be approximately 125 feet above the valley floor of Shamrock Ranch. Each tunnel will be approximately 30 feet wide including 4-foot wide interior walkways on both tunnels, a 12-foot wide travel lane, and, 8-foot wide and 2-foot tunnel surveillance, traffic control, communications, emergencies evacuation, center (OMC) will be located approximately 1,800 feet south of the tunnel at the South environmental monitoring, and tunnel maintenance. A tunnel operations and maintenance also includes tunnel infrastructure systems needed for safety and operations such as tunnel control, tunnel surveillance, traffic control, communications, emergencies evacuation, slope area located just south of the South Portal area, along the east side of Route 1. The cut is required for safe sight distance along the new road alignment where the new road leaves Route 1 and connects to the South Portals. The cut will also provide a construction access road adjacent to Route 1. This road will be used to haul excavated material from the tunnel to the Fill Disposal area without disturbing existing traffic on Route 1 during Project construction.

The Project also includes the South Rock Cut that consists of excavating the existing west slope area located just south of the South Portal site, along the east side of Route 1. The cut is required for safe sight distance along the new road alignment where the new road leaves Route 1 and connects to the South Portals. The cut will also provide a construction access road adjacent to Route 1. This road will be used to haul excavated material from the tunnel to the Fill Disposal area without disturbing existing traffic on Route 1 during Project construction.

7. The North Portal area is located in a steep watershed area of the Shamrock Ranch. It has steeply sloping drainages dominated by dense coastal scrub habitat. The drainages flow toward the main ranch area and converge in a valley that has been altered because of previous land clearing and the disposal of mulch and organic material. Within this valley area, there are two ponds (North and South Ponds) that were developed in the mid-1950s, when the

- existing drainage were impounded to form stock or mitigation ponds. One of those ponds is spilling feed and contains water year round.
8. A steep natural drainage supporting riparian vegetation is located just east of the South Portal area. The uphill portion of this drainage is very steep and has a small cascading waterfall during the winter and spring. This drainage discharges to a depression formed by the existing Route 1 roadway embankment and drains through a standpipe and culvert and then to the ocean.
9. Project construction will occur over a five-year period. Construction of the Project will be divided among seven separate major contracts as follows: 1) Early Contract, 2) Tunnel Work 3) Bridge Work, 4) OMC Building Contract, 5) Off-Site Contract, 6) Post Earthwork Contract, and 7) Post Tunnel Contract (Shamrock Ranch).
10. This Order applies to the permanent and temporary, direct and indirect impacts to waters of the State and waters of the United States associated with the Project, which is comprised of the Project components listed above. Total direct permanent and temporary Project impacts to waters of the United States are approximately 0.97 acre.
11. The Project's direct permanent impacts include elimination of approximately 0.30 acre of seasonal wetland, and approximately 0.53 acre of intermittent coastal drainage. The Project's direct temporary impacts during construction include approximately 0.07 acre of intermittent coastal drainage, and approximately 0.07 acre of sub surface seepage, for a total of 0.97 acre of impacts.
12. Caltrans has applied to the United States Army Corps of Engineers (Corps) for Nationwide Permits Nos. 14 (Linear Transportation Projects), 27 (Wetland and Riparian Restoration and Creation Activities), 33 (Temporary Construction, Access and Dewatering), and 39 (Residential, Commercial, and Institutional Development), pursuant to Section 404 of the Clean Water Act (33 USC 1344) for the Project.
13. Due to possible project impacts to the California Red-legged Frog (CRLF), the United States Fish and Wildlife Service (USFWS) requested that Caltrans build a new frog pond at Shamrock Ranch and relocate the CRLF from the North Pond to the newly created pond. In October 2000, Caltrans created a 0.04-acre pond and relocated the CRLF. With these measures in place, USFWS determined that the Project was not likely to jeopardize the continued existence of the CRLF or destroy or adversely modify its proposed critical habitat.
14. To mitigate the Project's permanent and temporal impacts to habitat, Caltrans plans to implement measures on-site, as well as off-site at a location named the Charthouse Mitigation Site located within the Montara Mountain Watershed, south of the Project site and east of Route 1. This site is owned by the Peninsula Open Space Trust (POST). For mitigation

15. The Mitigation and Monitoring Plan provides for the creation of 1.19 acres of wetlands, off-site mitigation will take place in the same watershed, and will be initiated by August 01, 2005. Caltrans will obtain easements from POST to implement the Mitigation Plan no later than July 01, 2005. The Mitigation and Monitoring Plan is designed to stabilize and improve the conditions of the watershed, and will be initiated by August 01, 2005. Caltrans will obtain easements from POST to implement the Mitigation Plan no later than July 01, 2005. The Mitigation and Monitoring Plan is described in Provisions 3, 4, 5, and 6 of this Order.

16. The proposed mitigation consists of the following:

a. On-site Mitigation: Sharmrock Ranch -- Creation and Restoration. After consultation with the USFWS, Caltrans created a 0.4-acre pond, with wetland habitat, to serve as the relocation site for CRLF. Caltrans will restore 0.49 acres of wetland which includes some of the areas affected by construction. Caltrans will plant native species and control invasive plant species; perform contour grading around plant species and control invasive plant species; and reforest ponds to ensure that the pond continues to function as a viable wetland habitat. The created wetlands and buffer zones will be preserved under a perpetual conservation easement to be recorded prior to commencement of construction. The restoration efforts will involve temporary impacts to existing jurisdictional areas; these impacts will be mitigated by implementing restoration of the South Pond and are not considered permanent impacts.

b. Offsite Mitigation: Charthouse Mitigation Site -- Creation and Restoration. Caltrans will create 1.15 acres of wetlands on the western portion of the site, where fill material, possibly associated with railroad berm installation, has created an upland area that contains decomposed granite where no hydrophytic vegetation is currently supported. It will also restore 2.91 acres of existing wetland previously disturbed by agricultural activities and the placement of fill. Caltrans will eradicate invasive plant species, and seed and plant wetland vegetation. Caltrans will also restore upland species, and seed and plant species, enhancing the habitat value of the site.

17. Operation and maintenance of the Project's tunnels, bridges, and access roads will indirectly impact beneficial uses through the discharge of polluted storm water runoff pollutants (e.g., oil and grease, heavy metals, nutrients, etc.). Therefore, to address the Project's construction and post-construction stormwater impacts, California will use the South Portal basin as a temporary sediment trap used in the early contract to become this water quality basin. The roadway water will be conveyed via open ditch to the water quality basin. The roadway will treat runoff from the North Portal basin to the existing detention basin of 85% of inflow treatment basin will treat roadway waters, and contain a minimum of 85% of inflow to the existing detention basin and then will be discharged to the other side of highway through a 24-inch reinforced concrete pipe (RCP). The existing detention basin will treat 92,945 ft² of new paved bridge decks and 25,460 ft² of existing impervious area that will be treated at the existing drainage detention basin. The basin will treat 42,570 ft² of new paved bridge decks and 62,860 ft² of existing roadway. The water quality volume for the detention basin is 25,990 ft³. The basin will treat 42,570 ft² of new paved bridge decks and 62,860 ft² of existing imperious area that will be treated at the water quality basin is 105,430 ft³. The existing roadway runoff will be conveyed to a northern location within the ranch. The previous areas are that will be treated to a northern location basin. A combination of new and located opposite of an existing Caltrans detention basin. A combination of new and adjacent to Shumrock Ranch, a water quality basin on Shumrock Ranch will be. b. For treatment of roadway runoff from the North Portals to the existing detention basin located opposite of an existing Caltrans detention basin is 25,990 ft³. The basin will treat 42,570 ft² of new paved bridge decks and 62,860 ft² of existing roadway. The water quality volume for the detention basin is 25,990 ft³. The basin will treat 42,570 ft² of new paved bridge decks and 62,860 ft² of existing imperious area that will be treated at the water quality basin is 105,430 ft³. The previous areas are that will be treated to a northern location within the ranch. The existing roadway runoff will be conveyed to a northern location basin. A combination of new and located opposite of an existing Caltrans detention basin on Shumrock Ranch will be.
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18. The Board has determined to regulate the proposed discharge of all materials into waters of the State by issuance of Waste Discharge Requirements (WDRs) pursuant to Section 13263 of the California Water Code (CWC) and 23 CCR §3857, in addition to issuing certification pursuant to 23 CCR §3859. The Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the Project, to meet the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93), and to require appropriate changes in provisions over the life of the Project and its construction should the Project's proposed and/or actual discharges change.
19. The Board, on June 21, 1995, adopted, in accordance with Section 13240 et seq. of the CWC, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory revisions is contained in 23 CCR § 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. This Order is in compliance with the Basin Plan.
20. The Project is located within the San Mateo Coastal Basin. The San Mateo Coastal Basin has the following existing beneficial uses defined in the Basin Plan: agricultural supply, contact water recreation, shellfish harvesting, fish spawning, warm freshwater habitat and wildlife habitat.
21. Chapter 4, page 4-50 of the Basin Plan regarding wetland fill establishes that there is to be no net loss of wetland acreage and no net loss of wetland value when the project and any proposed mitigation are evaluated together, and that mitigation for wetland fill projects is to be located in the same area of the Region, whenever possible, as the project. The Basin Plan mitigates for lost wetlands by considering the following factors:
- Possibility, should be minimized, and only after avoidance and minimization of impacts should further establishes that wetland disturbance should be avoided whenever possible, and if not feasible, restore, and enhance California's wetlands and the multiple resources which depend on them for benefit of the people of the State." Section 13142.5 of the CWC requires that the "highest priority shall be given to improving or eliminating discards that affect...wetlands, estuaries, and other biologically sensitive areas."
 - Components listed in Finding 9. Construction of the Project will result in the placement of fill in and/or disturbance of 0.97 acres of jurisdictional waters, including wetlands, surface seepages and intermittent drainages.
23. This Order applies to the temporary and permanent fill and indirect impacts to waters of the State and the United States associated with the Project, which is completed off components listed in Finding 9. Construction of the Project will result in the placement of fill in and/or disturbance of 0.97 acres of jurisdictional waters, including wetlands, surface seepages and intermittent drainages.

- 7
1. The direct discharge of debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material into surface waters or at any place where it may be washed from the project site by rainfall or runoff into waters of the State is prohibited. When operations are completed, any excess material shall be removed from the project work area and any areas adjacent to the work area where such material may be washed into waters of the State.

A. Discharge Prohibitions

IT IS HEREBY ORDERED that Caltrans, in order to meet the provisions contained in Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following, pursuant to authority under CWC Sections 13263 and 13267:

28. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

27. The Board has notified the Corps, the County, California Department of Fish and Game (CDFG), and other interested agencies and persons of its intent to prescribe WDRs and Water Quality Certification for this discharge.

and/or alternatives have been incorporated to reduce those impacts to a level of insensitivity. Pursuant to 23 CCR § 3857 and § 3859, the Board is issuing WDRs and Water Quality Certification for the Project as described herein.

envIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED FOR THE PROJECT ACTIVITIES WHICH IT IS REQUIRED TO APPROVE, AND THAT WITH COMPLIANCE WITH THE CONDITIONS OF THIS ORDER, THAT MITIGATION MEASURES CERTIFIED THE FINAL ENVIRONMENTAL IMPACT REPORT. THE BOARD, AS RESPONSIBLE AGENCY, FINDS THE BOARD FURTHER FINDS, AFTER REVIEW OF THE PROJECT'S ENVIRONMENTAL DOCUMENTS THAT ALL FINAL EIR TO BE ADEQUATE AND HAS CONSIDERED THE ENVIRONMENTAL IMPACTS ANALYZED THEREIN. THE NEGATIVE DECLARATION FOR SUCH PROJECTS. ON JUNE 13, 2003, THE CALTRANS DISTRICT 04 OFFICE

APPROVED BY PUBLIC AGENCIES TO BE IN FULL COMPLIANCE WITH CEQA, AND REQUIRES A LEAD AGENCY TO PREPARE AN APPROPRIATE ENVIRONMENTAL DOCUMENT (E.G., ENVIRONMENTAL IMPACT REPORT OR

26. The California Environmental Quality Act (CEQA) requires all discretionary projects approved by public agencies to be in full compliance with CEQA, and requires a lead agency

to prepare an appropriate environmental document for such projects. On June 13, 2003, the Caltrans District 04 Office Negative Declaration for such projects. On June 13, 2003, the Caltrans District 04 Office

REQUIREMENTS AND CALIFORNIA WETLANDS CONSERVATION POLICY REFERENCED IN FINDINGS 21 AND 22.

25. WITH THE SUCCESSFUL IMPLEMENTATION OF THE MITIGATION MEASURES DESCRIBED IN THESE FINDINGS, THE BOARD FINDS THAT THE PROJECT WILL COMPILY WITH THE BASIN PLAN WETLAND FL

CONCLUSIONS OF THE ALTERNATIVES ANALYSIS.

LOSSES OF WATERBODY ACREEAGE AND FUNCTIONS WERE ACHIEVED. THE BOARD CONCURS WITH THE IS NOT POSSIBLE, AND THAT IMPACTS HAVE BEEN FULLY MINIMIZED, THEN ADEQUATE MITIGATION FOR THE THE BASIN PLAN. FURTHER, CALTRANS HAS DEMONSTRATED THAT WHERE AVOIDANCE OF IMPACTS TO WATERS DAMAGING PRACTICABLE ALTERNATIVE THAT WILL ACHIEVE THE BASIC PROJECT PURPOSE, AS REQUIRED BY

DATED APRIL 05, 2004, TO SHOW THAT THE DISCHARGE CONSTITUTES THE LEAST ENVIRONMENTALLY

24. Caltrans has submitted the "Devil's Slide Tunnel Project 404(b) I Alternatives Analysis",

- B. Receiving Water Limitations**
1. The discharges shall not cause the following conditions to exist in waters of the State at any place:
 - a. Floating, suspended, or deposited oil or other products of petroleum origin, and, and,
 - b. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
 - c. Alteration of temperature, turbidity, or apparent color beyond natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
 2. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or which render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.
 3. The discharges shall not cause the following limits to be exceeded in waters of the State at any one place within one foot of the water surface:
 - a. Dissolved Oxygen: 5.0 mg/L, minimum
 - b. Dissolved Sulfide: 0.1 mg/L, maximum
- The median dissolved oxygen concentration for any three consecutive months shall not be less than 80% of the ambient dissolved oxygen concentrations.
- then the discharges shall not cause further reduction in factors cause concentrations less than that specified above, dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, dissolved oxygen content at saturation.

4. The discharge of materials other than storm water, which are not otherwise regulated by a separate NPDES permit or allowed by this Order to waters of the State, is prohibited.
1. The groundwater in the vicinity of the Project shall not be degraded as a result of the project activities or placement of fill for the Project.
 2. The wetland fill activities subject to these requirements shall not cause a nuisance as defined in CWC § 13050(m).

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 California State Department of Transportation
 Devil's Slide Tunnel Project
- c. pH:
 The pH shall not be depressed below 6.5 nor raised above 8.5, nor caused to vary from normal ambient pH by more than 0.5 pH units.
- d. Un-ionized Ammonia:
 0.025 mg/L as N , annual median; and
 0.16 mg/L as N , maximum
- e. Nutrients:
 Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
- f. Discharge Provisions:
 1. Caltrans shall comply with all Prohibitions, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.
 2. Caltrans shall submit copies of all necessary approvals and/or permits for the Project and mitigation projects from applicable government agencies, including, but not limited to, CDFG, National Marine Fisheries Service, USFWS, the California Coastal Commission, the County of San Mateo and the Corps, and shall submit copies of such approvals and/or permits to the Board's Executive Officer prior to the start of construction activity.
 3. Caltrans shall fully implement its submitted plans, as modified herein, and plans required to be submitted in the future and that are accepted by the Executive Officer or approved by the Board (e.g., construction Storm Water Pollution Prevention Plans, its Final Water Quality Management Plan, developing plans, Final Mitigation and Monitoring Plan, etc.).
 4. Caltrans shall perform monitoring and maintenance of the mitigation sites until the regulatory agencies, noted in Provision 2 above, concur that success criteria have been achieved and the mitigation has been successfully completed, but for not less than a period of five years and no less than a period of two years after any mitigation habitat integration systems have been terminated. If the mitigation and monitoring program indicates that establishment of the habitat is not progressing in a manner or rate consistent with the success criteria proposed, the annual mitigation reporting shall evaluate the probable cause(s) of any problems and propose appropriate corrective measures.
5. Caltrans shall submit annual mitigation monitoring reports acceptable to the Regional Board Executive Officer no later than June 15 of each year until the Mitigation and Monitoring Plan has been successfully completed, but for not less than a period of five years and no less than a period of two years after any mitigation habitat integration systems have been terminated. If the mitigation and monitoring program indicates that establishment of the habitat is not progressing in a manner or rate consistent with the success criteria proposed, the annual mitigation reporting shall evaluate the probable cause(s) of any problems and propose appropriate corrective measures.
6. Not later than 60 days following adoption of this Order, Caltrans shall submit a Final Mitigation and Monitoring Plan which modifies the Mitigation and Monitoring Plan and is submitted to the State Executive Officer.

7. Caltrans shall demonstrate to the satisfaction of the Executive Officer no later than July 01 2005, that it has acquired sufficient legal authority over the land at the proposed Charthouse first year of construction, are prohibited until Caltrans fails to meet this requirement, any Mitigation Site to carry out the wetland creation and restoration activities described in its Final Mitigation and Monitoring Plan. If Caltrans fails to meet this requirement, any other potential mitigation sites and shall convene an interagency group to determine the acceptability of those sites, including timing and acreage of alternative mitigation sites until the sites and plans have received approval by the Board.
8. Not later than 60 days following adoption of this Order, Caltrans shall submit, acceptable to the Executive Officer, a Final Water Quality Management Plan for implementation of post-construction stormwater treatment measures.
9. As soon as feasible following award for each phase of construction and, and not later than 30 days prior to the beginning of construction activity for that project phase, Caltrans shall submit, acceptable to the Executive Officer, a Storm Water Pollution Prevention Plan (SWPP) to adequately address the Project's expected construction impacts. SWPPs may be submitted separately for each phase of construction, but must all be submitted, acceptable to the Executive Officer, at least 30 days prior to beginning of each phase of construction activity.
10. Caltrans shall submit, no later than 30 days prior to the beginning of construction of a project phase in which dewatering is taking place, a dewatering plan, acceptable to the Executive Officer, that includes a description of how it will address and obtain approvals for its proposed dewatering locations, an estimate or estimates of discharge rates and volumes; a listing of proposed pollutants and concentrations; the expected timing and scheduling of the proposed discharges; and, all other information, as appropriate to mitigate for dewatering impacts (e.g., measures to mitigate the potential for erosion caused by dewatering discharges at their proposed dewatering locations; the expected timing and scheduling of the proposed dewatering discharges). The dewatering plan shall include a description of the proposed dewatering locations and concentrations; the expected timing and scheduling of the proposed dewatering discharges; and, all other information, as appropriate to mitigate for dewatering impacts (e.g., measures to mitigate the potential for erosion caused by dewatering discharges at their proposed dewatering locations; the expected timing and scheduling of the proposed dewatering discharges).
11. Caltrans shall notify the Board immediately whenever violations of this Order are detected.
12. Caltrans shall maintain a copy or copies of this Order at the Project site so as to be available at all times to site operating personnel.

13. Caltrans is considered to have full responsibility for correcting any and all problems that arise in the event of a failure that results in an unauthorized release of waste or wastewater from the Project.
14. Caltrans shall maintain all devices and/or designed features installed in accordance with this Order such that they function without interruption for the life of the Project.
15. Caltrans shall permit the Board or its authorized representative, upon presentation of credentials:
- Entry onto to premises on which wastes are located and/or in which records are kept.
 - Access to copy any records required to be kept under the terms and conditions of this Order.
 - Inspection of any treatment equipment, monitoring equipment, construction area(s), or monitoring method completed as part of the Project.
 - Sampling of any discharge or surface water covered by this Order.
16. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies; nor does this Order authorize the discharge of wastes without appropriate permits from this agency or other agencies or organizations.
- I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 16, 2004.
- Bruce H. Wolfe
Executive Officer
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